

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SENECA NATION OF INDIANS,

Petitioner,

v.

Index No. 19-cv-00735-WMS

STATE OF NEW YORK

Respondent.

**DECLARATION OF LEE M. REDEYE, ESQ. IN SUPPORT OF THE
SENECA NATION OF INDIANS' MOTION FOR RELIEF
FROM NOVEMBER 8, 2019 FINAL JUDGMENT**

Lee M. Redeye, Esq. declares as follows:

1. I am an attorney admitted in the State of New York and to the United States District Court for the Western District of New York.
2. This declaration is submitted in support of the Seneca Nation's motion for relief from the Court's November 8, 2019 final judgment pursuant to Federal Rule of Civil Procedure 60(b)(6).
3. Attached as Exhibit A is a true and correct copy of a letter from the United States Department of Interior, signed by the Director of the Office of Indian Gaming, Paula L. Hart, on April 15, 2021.
4. Attached as Exhibit B is a true and correct copy of a letter from Seneca Nation President Matthew Pagels to the State of New York, dated April 19, 2021, forwarding a copy of the letter attached as Exhibit A and requesting the State to consider submitting a joint request to the Secretary of Interior for review of the revenue-sharing payment terms for the renewal term of the Nation-State Compact.

5. Attached as Exhibit C is a true and correct copy of an email from Beth Garvey, Esq., Acting Counsel to the Governor, dated April 19, 2021, requesting clarification of the Nation's position.

6. Attached as Exhibit D is a true and correct copy of the Nation's response to Ms. Garvey, sent via email on April 20, 2021. The Nation's response was authored by General Counsel of the Seneca Nation, Michele Mitchell.

7. Attached as Exhibit E is a true and correct copy of a letter from President Pagels to the Department of Interior dated March 21, 2021, requesting Secretarial review of the renewal period payments.

8. Attached as Exhibit F is a true and correct copy of a sworn witness statement signed by former Seneca Nation President Todd Gates dated October 23, 2018, a copy of which was submitted in connection with the arbitration proceedings in this matter.

9. Attached as Exhibit G is a true and correct copy of an email chain between the Nation's Special Counsel Robert Odawi Porter and Ms. Garvey dated April 22, 2021, in which Mr. Porter sought an update regarding the State's position. Ms. Garvey represents that the State disagrees with the Nation regarding the significance of the Department's April 15, 2021 letter.

10. Attached as Exhibit H is a true and correct copy of an email from Ms. Garvey to Ms. Mitchell dated April 22, 2021, in which the State expressly declines to submit the Compact to the Secretary for review.

11. The Nation engaged in these communications with the State of New York prior to submitting the aforementioned motion to the Court in an effort to avoid the necessity of filing this motion.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

DATED: April 23, 2021
Buffalo, New York



Lee M. Redeye